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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,460	11/19/1999	KAZUOMI KOBAYASHI	Q56893	7280

7590 07/01/2003

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WASHINGTON, DC 20037

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/01/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/443,460

Applicant(s)

KOBAYASHI ET AL.

Examiner

Justin R Fischer

Art Unit

1733

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 10 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 7,9,14 and 16-18.Claim(s) rejected: 1-6,8,10-13 and 15.

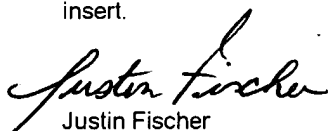
Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


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Continuation of 2: As currently drafted, claim 10 requires that the rubber protection sheet is disposed between the rubber reinforcing layer and the carcass ply nearest thereto (based on Amendment C on November 22, 2002). However, the proposed after final amendment does not include this limitation in claim 10 (applicant has deleted this language and added additional language regarding the radial extent of the rubber protection sheet). Thus, the proposed claim is generic to the placement of the rubber protection sheet, as compared to being specific in the previous listing of the claims, and as such, would require additional consideration, it being noted that independent claim 10 would be rejected in view of Osawa and any one of Spragg, Kaneko, Hayashi, and Kobayashi. Lastly, the newly added language "...an entirety of said rubber protection sheet being within a zone..", which was previously suggested by the examiner, does provide a clear and concise description of the rubber protection sheet, such that it would overcome the rejection of claims 10-13 and 15 with Deck.

Continuation of 5: Applicant contends that while one of ordinary skill in the art at the time of the invention may have provided a conventional runflat insert in the pneumatic tire of Osawa, one would not have arrived at the runflat tire of the claimed invention. In particular, applicant suggests that the bending deformations that initially necessitated the rubber protection sheet (those between the bead filler rubber and the carcass ply nearest thereto) would be eliminated by the inclusion of a runflat insert. First, there is clear motivation to include a conventional runflat insert in the tire of Osawa, that being the improvement of a tires performance and durability in an underinflated condition. Second, while applicant contends that the bending deformations (development of shearing strains) of Osawa would not be present, it is the examiner's position that the inclusion of a runflat insert would not entirely eliminate the shearing strains experienced between the adjacent rubbers in the bead region (formed of different rubber compounds, further contributing to the development of shearing strains). Furthermore, it appears from Figure 7 of the original disclosure that shearing strains (A) between the bead filler rubber and the carcass ply nearest thereto are present even though a sidewall runflat insert is included. In particular, the degree of deformations of shearing strains experienced in this region would vary depending on the extent of the underinflated condition and the properties of the runflat insert. Thus, one of ordinary skill in the art at the time of the invention would have been motivated to include a conventional runflat insert in the tire of Osawa for the benefits detailed above since the problems addressed by Osawa would similarly be present, perhaps to a lesser extent, in the modified tire of Osawa that included a runflat insert.


Justin Fischer

June 30, 2003


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700